IN THE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION NO. 5627 OF 2000

PETITIONER

1. Shri Girdharilal Agarwal, S/o late Shri.Nathulal Agrawal, aged about 50years, Resident of New Raj Talkies, Tilda, PO Nevra, Distt. Raipur (MP).

-Versus-

RESPONDENTS

R1. State of Madhya Pradesh, Through: The Principal Secretary, Department of Revenue, Mantralaya, Vallabh Bhawan, Bhopal (MP).

SR2. The Commissioner, Raipur Division, Raipur (MP).

SR3. The Collector, Raipur Division, Raipur (MP).

R4. The District Magistrate, Raipur (MP).

R 5. The Nazul Officer, O/o The Collector, Raipur (MP).

SR6. Shri Raj Kumar, aged about 40 years, S/p Late. Jaumal, Sant Kavar Ram Ward, No.10, Mandi Road, Nevra, Tilda, Distt. Raipur (MP).

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI, ETC. AND FOR FURTHER APPROPRIATE WRIT

DETAILS OF THE APPLICATION

(198)

HIGH COURT OF CHHATTSGARH AT BILASPUR

WRIT PETITION NO.5627/2000

Shri Girdharilal Agrawal

Vs.

State of M.P. & others

ORDER

Per Hon.Fakhruddin,J :

By this petition under Article 226 of the Constitution of India, the petitioner submits that when the cinema licence is being issued in favour of respondent no.6 without proper consideration of the matter and without considering the objections raised, respondent no.6 applied for permanent licence for exhibition of films. The matter is being processed and the final order has not yet been passed.

2. Learned counsel for the petitioner submitted that the petitioner had submitted an objection to the grant of licence and filed the present writ petition seeking writ or direction that the petitioner's objection may be considered under M.P. Cinemas (Regulation) Act & M.P. Cinemas (Regulation) Rules.

3. Learned counsel appearing for respondent no.6 on the other hand submits that petitioner himself owns a cinema adjoining to the Mandir and the present objection is being raised as a result of jealousy. It is stated that the objections raised have no basis. They are raised with the intention to create hurdles in grant of licence to respondent no.6. It is further submitted that the intervener has submitted objection to the effect that this cinema is near the religious place, which equally applies to him as well.

4. M.P. Cinemas (Regulation) Act & M.P. Cinemas (Regulation) Rules provide certain requirements for granting permanent licence to the parties.

5. Having considered the facts and circumstances and the material available on record, since the permanent licence has not been granted, in the opinion of this Court, ends of justice will serve if a direction is given to the licensing authority to consider and decide the objections raised by or against the rival parties and the intervener in accordance with the relevant provisions of Act and Rules and specially keeping in mind the security and safety measures as contained in the Act and Rules.

6. Having thus considered and without entering into the merits of the case as it may affect the interest of rival parties, the matter is remanded back to the licensing authorities/ respondent no.4 to consider and decide the matter in accordance with the aforesaid Act and Rules, after hearing the parties, as early as possible preferably within two months from the date of production of the certified copy of this order before him. If any adverse order is passed against any party,

he shall be entitled to take such recourse as permissible under the law.

7. With the aforesaid observations, this petition is disposed of at this stage.

Sd/-
Fakhruddin
Judge

9/5/2002

Hande/-